

DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, DC 20554



LETTER OF APPEAL

97-21

March 20, 2002

In the Matter of

Request for Review of the

Decision of the

Universal Service Administrator by

CC Docket No. 96-45

CC Docket No. 97-21

Abington Judaic Library
902 Violet Terrace, Waverly, PA 18471
471 Application Number: 230067
Entity Number: 220763
Contact: Benny Rapoport
Title: Program Director
Phone: (570) 677-2013

Achva 14th Avenue Resource Center
4820 14th Avenue, Brooklyn, NY 11219
471 Application Number: 230195
Entity Number: 221290
Contact: Shia Friedman
Title: Program Director
Phone: (718) 851-7700

Adath Israel Library
23 Wisteria Terrace, Morristown, NJ 07960
471 Application Number: 229851
Entity Number: 220956
Contact: Yaakov Zirkind
Title: Program Director
Phone: (973) 984-2687

Alpharetta Jewish Library
6380 Abbots Bridge Road, Alpharetta, GA 30022
471 Application Number: 229841
Entity Number: 221062
Contact: Hirsch L. Minkowicz
Title: Program Director
Phone: (770) 410-9000

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List ABCDE

Aspen Jewish Library
305 S Aspen Street #3, Aspen, CO 81611
471 Application Number: 230108
Entity Number: 220770
Contact: Mendel Mintz
Title: Program Director
Phone: (970) 544-3770

Bais Menachem Library
400 S Holly Street, Denver, CO 80222
471 Application Number: 230086
Entity Number: 221286
Contact: Yisroel Engel
Title: Program Director
Phone: (303) 329-0211

Bais Menachem Student Library
7403 Hopkins Avenue, College Park, MD 20740
471 Application Number: 230146
Entity Number: 221063
Contact: Eli Blackman
Title: Program Director
Phone: (301) 277-2994

Bais Rebbe Library
137 E Palmeto Park Road, Boca Raton, FL 33432
471 Application Number: 230117
Entity Number: 220975
Contact: Ruvi New
Title: Program Director
Phone: (561) 417-7797

Beit Chaim Meir - Chabad Judaic
17 Burlington Street, Lexington, MA 02420
471 Application Number: 230050
Entity Number: 220698
Contact: Alter Bukiet
Title: Program Director
Phone: (781) 863-8656

Bnei Ruven Library
6350 N Whipple, Chicago, IL 60659
471 Application Number: 230132
Entity Number: 220896
Contact: Rabbi Hertz
Title: Program Director
Phone: (773) 743-5434

Boruch Nisan Resource Center
318 Veterans Highway, Commack, NY 11725
471 Application Number: 230169
Entity Number: 220898
Contact: Chaya Teldon
Title: Program Director
Phone: (631) 543-3343

Bucks County Jewish Library
1444 Yardley Newtown Road, Yardley, PA 19067
471 Application Number: 230068
Entity Number: 220885
Contact: Yehuda Shemtov
Title: Program Director
Phone: (215) 321-4320

Cgi Parksville Resource Center
Old Route 17, Parksville, NY 12768
471 Application Number: 230170
Entity Number: 221386
Contact: Yossi Futerfas
Title: Program Director
Phone: (914) 292-9307

Chabad Boca Raton Library
9040 Kinberly Blvd, Boca Raton, FL 33434
471 Application Number: 230119
Entity Number: 220764
Contact: Zalman Bukiet
Title: Program Director
Phone: (561) 487-2934

Chabad Center Library
194 Ratzer Road, Wayne, NJ 07470
471 Application Number: 229852
Entity Number: 220714
Contact: Yosef Levin
Title: Program Director
Phone: (650) 424-9800

Chabad Center Of Northwest Library
1 Torah Way - Po Box 203, Rockaway, NJ 07866
471 Application Number: 230060
Entity Number: 221285
Contact: Boruch Cohen
Title: Program Director
Phone: (973) 625-1525

Chabad Childrens Library
8227 Woodmont Avenue, Bethesda, MD 20814
471 Application Number: 230147
Entity Number: 221027
Contact: Rabbi Geisinsky
Title: Program Director
Phone: (301) 913-9777

Chabad Educational Library
7037 Freret Street, New Orleans, LA 70118
471 Application Number: 230143
Entity Number: 221283
Contact: David Kaufman
Title: Program Director
Phone: (504) 866-5164

Chabad House At Amherst Library
30 North Hadley Road, Amherst, MA 01002
471 Application Number: 229844
Entity Number: 220461
Contact: Chaim Adelman
Title: Program Director
Phone: (412) 549-4094

Chabad House Judaica Resource Center Of Ithaca
102 Willard Way, Ithaca, NY 14850
471 Application Number: 230171
Entity Number: 221052
Contact: Eli Silberstein
Title: Program Director
Phone: (607) 257-7379

Chabad House Library
844 Prosperity Farm Road, North Palm Beach, FL
33408
471 Application Number: 229831
Entity Number: 221046
Contact: S. Ezagui
Title: Program Director
Phone: (561) 624-7004

Chabad House Library
1866 South 120th Street, Omaha, NE 68144
471 Application Number: 230154
Entity Number: 220741
Contact: Jennifer Kelley
Title: Program Director
Phone: (402) 330-1800

Chabad House Of Ocean Avenue Resource Center
1923 Ocean Avenue, Brooklyn, NY 11230
471 Application Number: 230172
Entity Number: 220717
Contact: Zalman Liberow
Title: Program Director
Phone: (718) 252-9770

Chabad House Resource Center Of Syracuse
825 Ostrom Avenue, Syracuse, NY 13210
471 Application Number: 230173
Entity Number: 220748
Contact: Yaakov Rapoport
Title: Program Director
Phone: (315) 424-0363

Chabad Intown Jewish Resource
928 Ponce De Leon Avenue, Atlanta, GA 30306
471 Application Number: 230129
Entity Number: 220745
Contact: Eliyahu Schusterman
Title: Program Director
Phone: (404) 898-0434

Chabad Jewish Center - Zichron Ben Tzion Library
6401 Lenox, Oklahoma City, OK 73116
471 Application Number: 230208
Entity Number: 222289
Contact: Nechama Goldman
Title: Program Director
Phone: (405) 810-1770

Chabad Jewish Center Lending Library
24041 Marguerite Parkway, Mission Viejo, CA
92692
471 Application Number: 229799
Entity Number: 221090
Contact: Zalman Marcus
Title: Program Director
Phone: (949) 770-1270

Chabad Jewish Library
808 Abbott Avenue, Fort Lee, NJ 07024
471 Application Number: 230061
Entity Number: 220915
Contact: Meir Konikov
Title: Program Director
Phone: (201) 886-1238

Chabad Jewish Library Of Pittsburgh
2100 Wightman, Pittsburgh, PA 15217
471 Application Number: 230210
Entity Number: 220765
Contact: Ely Rosenfeld
Title: Program Director
Phone: (412) 422-7315

Chabad Jewish Library Of West Bay
42 Diamond Hill Road, Warwick, RI 02886
471 Application Number: 230163
Entity Number: 221056
Contact: Yossi Laufer
Title: Program Director
Phone: (401) 732-6559

Chabad Jewish Resource Center Of Brooklyn
117 Remsen Street, Brooklyn, NY 11201
471 Application Number: 230168
Entity Number: 223347
Contact: Levi Neubort
Title: Program Director
Phone: (718) 596-4840

Chabad Judaic Library Of Cape Cod
745 West Main Street, Hyannis, MA 02601
471 Application Number: 230144
Entity Number: 220719
Contact: Yekusiel Alperowitz
Title: Program Director
Phone: (508) 775-2324

Chabad Judaic Library Of Margate
8223 Fulton Avenue, Margate City, NJ 08402
471 Application Number: 229806
Entity Number: 221328
Contact: Shmuel Rappaport
Title: Program Director
Phone: (609) 822-8500

Chabad Judaic Research Center
3048 Valley Road, Basking Ridge, NJ 07920
471 Application Number: 229853
Entity Number: 221293
Contact: Mendy Herson
Title: Program Director
Phone: (908) 604-8844

Chabad Library
1507 Escalona Drive, Santa Cruz, CA 95060
471 Application Number: 229812
Entity Number: 220916
Contact: Berel Levertov
Title: Program Director
Phone: (505) 983-2000

Chabad Library
14535 Blanco Road, San Antonio, TX 78216
471 Application Number: 230157
Entity Number: 220762
Contact: Levi Klein
Title: Program Director
Phone: (901) 766-1800

Chabad Library
6890 W Maple Road, West Bloomfield, MI 48322
471 Application Number: 230149
Entity Number: 222282
Contact: Batsheva Shemtov
Title: Program Director
Phone: (248) 661-8000

Chabad Library Of Burlington Vermont
57 South Williams, Burlington, VT 05401
471 Application Number: 230112
Entity Number: 220709
Contact: Zhanna Gorden
Title: Program Director
Phone: (802) 658-5770

Chabad Library
147 Bluebonnet, Sugar Land, TX 77478
471 Application Number: 230159
Entity Number: 221030
Contact: Mendel Feigenson
Title: Program Director
Phone: (281) 240-7145

Chabad Library Of Delray
7271 Atlantic Avenue, Delray Beach, FL 33446
471 Application Number: 229832
Entity Number: 221092
Contact: Sholom B. Korf
Title: Program Director
Phone: (561) 496-6228

Chabad Library Of Delaware
1811 Silverside Road, Wilmington, DE 19810
471 Application Number: 230089
Entity Number: 220631
Contact: Rabbi Vogel
Title: Program Director
Phone: (302) 529-9900

Chabad Library Of San Diego
6115 Montezuma Road, San Diego, CA 92115
471 Application Number: 229811
Entity Number: 220756
Contact: Dovid Smoller
Title: Program Director
Phone: (619) 265-7700

Chabad Library Of Puerto Rico
Taft #1 Suite 7b Cond. Playa Grande, San Juan, PR
00911
471 Application Number: 230164
Entity Number: 221372
Contact: Mendel Zarchi
Title: Program Director
Phone: (787) 724-1680

Chabad Lubavitch Education Research Library
1748 Hampshire Court, Saint Paul, MN 55116
471 Application Number: 230150
Entity Number: 222283
Contact: Mendel Feller
Title: Program Director
Phone: (651) 698-3858

Chabad Library Of Tampa
14908 Pennington Road, Tampa, FL 33624
471 Application Number: 230116
Entity Number: 222278
Contact: Yossie Dubrowski
Title: Program Director
Phone: (813) 963-2317

Chabad Of Alabama Jewish Resource Library
3040 Overton Road, Birmingham, AL 35223
471 Application Number: 230085
Entity Number: 222269
Contact: Yossi Friedman
Title: Program Director
Phone: (202) 970-0100

Chabad Lubavitch Of Berks County
2320 Hampden Blvd, Reading, PA 19604
471 Application Number: 230066
Entity Number: 220733
Contact: Yosef Lipsker
Title: Program Director
Phone: (610) 921-1540

Chabad Of Kensington Resource Center
605 Ocean Parkway, Brooklyn, NY 11218
471 Application Number: 230175
Entity Number: 220736
Contact: Moshe Chaim Levin
Title: Program Director
Phone: (718) 854-0006

Chabad Of Greater Ft Lauderdale
6700 Nw 44th Street, Fort Lauderdale, FL 33319
471 Application Number: 230121
Entity Number: 221288
Contact: Rabbi Lieberman
Title: Program Director
Phone: (954) 733-5333

Chabad Of Pinellas County Jewish
3696 Fisher Road, Palm Harbor, FL 34683
471 Application Number: 230122
Entity Number: 220744
Contact: Shalom Adler
Title: Program Director
Phone: (737) 789-0408

Chabad Of Oak Park Library
5998 Conifer Street, Oak Park, CA 91377
471 Application Number: 229813
Entity Number: 220768
Contact: Yisroel Levine
Title: Program Director
Phone: (818) 991-0997

Chabad Of The Conejo Library
30345 Canwood Street, Agoura Hills, CA 91301
471 Application Number: 229815
Entity Number: 220767
Contact: Moshe Bryski
Title: Program Director
Phone: (818) 991-0991

Chabad Of Sea Gate Resource Center
3846 Lyme Avenue, Brooklyn, NY 11224
471 Application Number: 230176
Entity Number: 221061
Contact: Mayer Chaim Brikman
Title: Program Director
Phone: (718) 265-1066

Chabad Of Westlake Village
740 Lakefield Road #d, Westlake Village, CA 91361
471 Application Number: 230099
Entity Number: 220769
Contact: Yitzchok Sapochinsky
Title: Program Director
Phone: (805) 374-8666

Chabad Of The South Hills
100 North Wren Drive, Pittsburgh, PA 15243
471 Application Number: 229862
Entity Number: 220718
Contact: Mendel Rosenblum
Title: Program Director
Phone: (412) 278-3693

Chabad Of Wilmette Library
2904 Old Glenview Library, Wilmette, IL 60091
471 Application Number: 230133
Entity Number: 220739
Contact: Dovid Flinkenstein
Title: Program Director
Phone: (847) 251-7707

Chabad Outreach Library
11000 Fondren Road Suite B104, Houston, TX
77096
471 Application Number: 230055
Entity Number: 220633
Contact: Moshe Traxler
Title: Program Director
Phone: (713) 774-0300

Chabad Resource Center Of Columbia University
500 West 110th Street #5c, New York, NY 10025
471 Application Number: 230177
Entity Number: 220710
Contact: Karen Blum
Title: Program Director
Phone: (212) 531-3999

Chabad Tifereth Torah Resource Center
8224 23rd Avenue, Brooklyn, NY 11214
471 Application Number: 230178
Entity Number: 221297
Contact: Avrohom Hertz
Title: Program Director
Phone: (718) 236-6646

Chabad's Zeev Cohen Library
2375 Sycamore Drive #6, Simi Valley, CA 93065
471 Application Number: 229816
Entity Number: 220721
Contact: Nosson Gurary
Title: Program Director
Phone: (805) 577-0573

Chai Judaic Jewish Library
17100 Collins Avenue #212, Sunny Isles Beach, FL
33160
471 Application Number: 230127
Entity Number: 221376
Contact: Yisrael Baron
Title: Program Director
Phone: (305) 949-5626

Chaya Mushka Childrens Library
2110 East Lincoln Drive, Phoenix, AZ 85016
471 Application Number: 230093
Entity Number: 220976
Contact: Zalman Levertov
Title: Program Director
Phone: (602) 944-2753

Chassidic Resource Center Of Flushing
7703 Main Street, Flushing, NY 11367
471 Application Number: 230179
Entity Number: 221374
Contact: Shrager Zalmanov
Title: Program Director
Phone: (718) 380-7050

Chaya Mushka Jewish Library
426 Sw 34th Terrace, Palm City, FL 34990
471 Application Number: 230123
Entity Number: 221289
Contact: Shlomo Uminer
Title: Program Director
Phone: (561) 288-0606

Chaya Mushka Jewish Community Library
34 Cedar Street, Milford, MA 01757
471 Application Number: 229845
Entity Number: 221370
Contact: Mendel Kivman
Title: Program Director
Phone: (508) 473-1299

Chaya Mushka Lending Resource Center
1037 Winton Road South, Rochester, NY 14618
471 Application Number: 230180
Entity Number: 220887
Contact: Nechemia Vogel
Title: Program Director
Phone: (716) 271-0330

Chaya Mushka Jewish Resource Library
56 Tillotson Road #3, Needham, MA 02494
471 Application Number: 229846
Entity Number: 221058
Contact: Mendel Krinsky
Title: Program Director
Phone: (781) 455-9096

Chester County Jewish Library
241 Waterloo Avenue, Berwyn, PA 19312
471 Application Number: 230069
Entity Number: 220952
Contact: Yossi Kaplan
Title: Program Director
Phone: (610) 971-9977

Coconut Creek Jewish Public Library
4835 Coconut Creek Pkwy, Coconut Creek, FL
33063
471 Application Number: 229835
Entity Number: 221378
Contact: Baila Gansburg
Title: Program Director
Phone: (954) 984-9322

Conejo Jewish Academy Library
30313 Canwood Street #38, Agoura Hills, CA 91301
471 Application Number: 230097
Entity Number: 222271
Contact: Dov Greenberg
Title: Program Director
Phone: (818) 991-0992

Contra Costa Youth Library - Chabad
1530 S Main Street, Walnut Creek, CA 94596
471 Application Number: 229817
Entity Number: 221295
Contact: Yaakov Kagon
Title: Program Director
Phone: (925) 937-4101

Emunah Chana Ed Resource Center
Old Greenfield Road Route 52, Greenfield Park, NY
12435
471 Application Number: 230181
Entity Number: 223366
Contact: Sara Hecht
Title: Program Director
Phone: (718) 735-0200

Fresno Jewish Library
1227 E Shepherd Avenue, Fresno, CA 93720
471 Application Number: 230100
Entity Number: 222275
Contact: Levi Zirkind
Title: Program Director
Phone: (559) 432-2770

Gan Israel Library Of Cumberland County
78 Montrose Terrace, Vineland, NJ 08360
471 Application Number: 229854
Entity Number: 221373
Contact: Yisroel Rappaport
Title: Program Director
Phone: (856) 691-9656

Golden Beach Torah Library
18090 Collins Avenue #770, Golden Beach, FL
33160
471 Application Number: 230124
Entity Number: 220991
Contact: Chay Amar
Title: Program Director
Phone: (305) 705-0292

Hdi Library Inc
3553 W Peterson Avenue, Chicago, IL 60659
471 Application Number: 230131
Entity Number: 222281
Contact: Moishe Raitman
Title: Program Director
Phone: (773) 267-4700

Heical Menachem Library
3109 N Lake Drive, Milwaukee, WI 53211
471 Application Number: 230047
Entity Number: 221025
Contact: Mendel Shmotkin
Title: Program Director
Phone: (414) 961-6100

Jewish Community Library
450 Amwell Road, Hillsborough, NJ 08502
471 Application Number: 229855
Entity Number: 221060
Contact: Richard Olitsky
Title: Program Director
Phone: (941) 433-7708

Jewish Community Library Of Southwest
5620 Winkler Road, Fort Myers, FL 33919
471 Application Number: 230126
Entity Number: 220973
Contact: Menachem Greenburg
Title: Program Director
Phone: (716) 316-4987

Jewish Discovery Resource Center
212 Exeter Road, Williamsville, NY 14221
471 Application Number: 230166
Entity Number: 223349
Contact: Rivkie Kahanov
Title: Program Director
Phone: (904) 262-6641

Jewish Enrichment Library
10129 Haley Road, Jacksonville, FL 32257
471 Application Number: 230048
Entity Number: 221029
Contact: Shmuel Mendelsohn
Title: Program Director
Phone: (305) 535-0094

Jewish Lending Library Of North Broward
1500 North State Road, Margate, FL 33063
471 Application Number: 230115
Entity Number: 223349
Contact: Rochel Levertov
Title: Program Director
Phone: (512) 472-3900

Jewish Library Of Austin
2101 Nueces Street, Austin, TX 78705
471 Application Number: 230056
Entity Number: 221400
Contact: Yossi Levertov
Title: Program Director
Phone: (480) 998-1410

Jewish Library Of Scottsdale
10215 N Scottsdale Road, Scottsdale, AZ 85253
471 Application Number: 230094
Entity Number: 221304
Contact: Yossel Kranz
Title: Program Director
Phone: (804) 740-2000

Jewish Library Of Virginia
212 Gaskins Road, Richmond, VA 23233
471 Application Number: 230111
Entity Number: 221312
Contact: Joseph Griesman
Title: Program Director
Phone: (917) 804-5156

Jewish Library Of Westchester
7800 Cowan Avenue, Los Angeles, CA 90045
471 Application Number: 230101
Entity Number: 223340
Contact: Sholom Lew
Title: Program Director
Phone: (602) 504-2178

Jewish Resource Center
4954 West Jeremy Drive, Glendale, AZ 85308
471 Application Number: 230095
Entity Number: 220949
Contact: Shlomo Cohen
Title: Program Director
Phone: (718) 934-9331

Jewish Resource Center Of Sheepshead Bay
1315 Avenue Y, Brooklyn, NY 11235
471 Application Number: 230184
Entity Number: 221302
Contact: Pinny Lew
Title: Program Director
Phone: (919) 932-9932

Jewish Resource Library Of Chapel Hill
106 Park Place, Chapel Hill, NC 27514
471 Application Number: 230203
Entity Number: 220886
Contact: Shmuel Weinstein
Title: Program Director
Phone: (412) 683-7770

Jewish Student Library
4710 Wallingford Street, Pittsburgh, PA 15213
471 Application Number: 230071
Entity Number: 221314
Contact: Isaac Teitelbaum
Title: Program Director
Phone: (305) 672-1156

Jewish Video And Audio Library
1340 Michigan Avenue, Miami Beach, FL 33139
471 Application Number: 229836
Entity Number: 220959
Contact: Eli Blokh
Title: Program Director
Phone: (718) 393-3085

Jewish Youth Resource Center Of Rego Park
62-38 99th Street, Rego Park, NY 11374
471 Application Number: 230201
Entity Number: 221088
Contact: Yossi Jacobson
Title: Program Director
Phone: (515) 277-1718

Judaic Resource Center Of Iowa Library
943 Cummins Parkway, Des Moines, IA 50312
471 Application Number: 230142
Entity Number: 221028
Contact: Shalom Wilhelm
Title: Program Director
Phone: (631) 244-0825

Judaic Resource Center Of South Shore
22-30 Railroad Avenue #30, Sayville, NY 11782
471 Application Number: 230182
Entity Number: 220954
Contact: Yosef Landa
Title: Program Director
Phone: (314) 725-0400

Judaica Library At Chabad Of Greater St Louis Inc
8124 Delmar Blvd, Saint Louis, MO 63130
471 Application Number: 230153
Entity Number: 221397
Contact: Yisroel Spalter
Title: Program Director
Phone: (954) 349-6565

Judaica Library Of Weston
18501 Tequesta Trace Park Lane, Weston, FL 33326
471 Application Number: 229837
Entity Number: 220889
Contact: Mendy Wineberg
Title: Program Director
Phone: (913) 649-4852

Kansas City Chabad Library
6201 Indian Creek Drive, Overland Park, KS 66207
471 Application Number: 230130
Entity Number: 220766
Contact: Menachem Sharfstein
Title: Program Director
Phone: (718) 493-9250

Kollel Union Street Resource Center
1453 Union Street, Brooklyn, NY 11213
471 Application Number: 230183
Entity Number: 221309
Contact: Shlomo Friedman
Title: Program Director
Phone: (718) 953-1000

Levi Yitzchok Lubavitch Resource Center
305 Kingston Avenue, Brooklyn, NY 11201
471 Application Number: 230064
Entity Number: 220977
Contact: Sholom Ciment
Title: Program Director
Phone: (561) 732-4633

Library For Living Judaism - Chabad
10655 El Clair Ranch Road, Boynton Beach, FL 33437
471 Application Number: 230128
Entity Number: 220737
Contact: Zalman Grossbaum
Title: Program Director
Phone: (973) 597-0618

Living Legacy Family Library
61 N Ashby Avenue, Livingston, NJ 07039
471 Application Number: 229856
Entity Number: 221102
Contact: Shraga Sherman
Title: Program Director
Phone: (610) 660-0911

Living Legacy Library Lubavitch
219 Meeting House Lane, Merion Station, PA 19066
471 Application Number: 230072
Entity Number: 220895
Contact: Mary K. Tiner
Title: Program Director
Phone: (903) 237-1341

Lubavitch Chabad Of F.r.e.e. Of Niles
9401 Margail, Des Plaines, IL 60016
471 Application Number: 230134
Entity Number: 221287
Contact: Raizel Hershkovich
Title: Program Director
Phone: (847) 296-1770

Lubavitch Chabad Of Illinois Weinberg
2833 W Howard, Chicago, IL 60645
471 Application Number: 230135
Entity Number: 220986
Contact: D. Moscovitz
Title: Program Director
Phone: (773) 622-2770

Lubavitch Chabad Of The Loop And Lincoln
401 S Lasalle Street #9-770, Chicago, IL 60605
471 Application Number: 230137
Entity Number: 221291
Contact: Rivka Benhiyoun
Title: Program Director
Phone: (312) 427-7770

Lubavitch Mesivta Of Chicago Heritage
2756 West Morse, Chicago, IL 60645
471 Application Number: 230138
Entity Number: 220953
Contact: Menachem Emanuel
Title: Program Director
Phone: (771) 262-0430

Lubavitch Resource Center Of Coram
87 Mt Sinai Coram Road, Coram, NY 11727
471 Application Number: 230185
Entity Number: 220912
Contact: Leibel Baumgarten
Title: Program Director
Phone: (631) 698-4000

Lubavitch Shul Library
239 Chestnut Hill Avenue, Brighton, MA 02135
471 Application Number: 229847
Entity Number: 221059
Contact: Pinchas Krinsky
Title: Program Director
Phone: (617) 782-8340

Lubavitch Yeshiva Library
1554 Midway Parkway, Saint Paul, MN 55108
471 Application Number: 230092
Entity Number: 222284
Contact: Mottel Friedman
Title: Program Director
Phone: (651) 642-9122

Machon Chana Ed Resource Center
825 Eastern Pkwy, Brooklyn, NY 11213
471 Application Number: 230186
Entity Number: 223367
Contact: Shlomo Leib Arbramowitz
Title: Program Director
Phone: (718) 735-0200

Maon Chai Resource Center Of Brooklyn
1735 52nd Street, Brooklyn, NY 11204
471 Application Number: 230187
Entity Number: 223370
Contact: Aron Ginsburg
Title: Program Director
Phone: (718) 437-5160

marin jewish library
1150 Idylberry Road, San Rafael, CA 94903
471 Application Number: 230102
Entity Number: 221303
Contact: Chana Scop
Title: Program Director
Phone: (415)492-1666

Mikvah Israel Library
5170 La Dorna, San Diego, CA 92115
471 Application Number: 230103
Entity Number: 222276
Contact: Dovid Smoller
Title: Program Director
Phone: (619) 287-6411

Mikvah Taharas Israel Lending Library
2520 Warring Avenue, Berkeley, CA 94704
471 Application Number: 229820
Entity Number: 221032
Contact: Bentzion Welton
Title: Program Director
Phone: (510) 848-7221

Newport Beach Judaic Library
3419 Via Lido #147, Newport Beach, CA 92663
471 Application Number: 229821
Entity Number: 220980
Contact: Reuven Mintz
Title: Program Director
Phone: (949) 887-5232

North County Jewish Community Library
19045 Yorba Linda Blvd, Yorba Linda, CA 92886
471 Application Number: 229822
Entity Number: 220968
Contact: David Eliezrie
Title: Program Director
Phone: (714) 693-0770

North Monsey Jewish Resource Center
360 Route 306, Monsey, NY 10952
471 Application Number: 230188
Entity Number: 220918
Contact: Mattis Kantor
Title: Program Director
Phone: (914) 354-1766

Ohel Menachem Chabad Resource Center Of Riverdale
535 West 246th Street, Riverdale, NY 10471
471 Application Number: 230189
Entity Number: 220788
Contact: Levi Shemtov
Title: Program Director
Phone: (718) 549-1100

Ohr Menachem - Loz Feliz Judaic Library
1727 N Vermont Avenue #107, Los Angeles, CA 90027
471 Application Number: 229823
Entity Number: 220955
Contact: Leibel Korf
Title: Program Director
Phone: (323) 660-5177

Ohr Menachem Jewish Student Library
3288 Main Street, Buffalo, NY 14214
471 Application Number: 230165
Entity Number: 221387
Contact: Avrohom Gurary
Title: Program Director
Phone: (716) 688-1642

Park Slope Jewish Resource Center
401 9th Street, Brooklyn, NY 11215
471 Application Number: 230190
Entity Number: 221377
Contact: Simon Hecht
Title: Program Director
Phone: (718) 832-1266

Palm Desert Jewish Library
425 Avenida Ortega, Palm Springs, CA 92264
471 Application Number: 230104
Entity Number: 220978
Contact: Yonason Denebeim
Title: Program Director
Phone: (760) 325-0774

project neshama resource center
321 Seabreeze Avenue, Brooklyn, NY 11224
471 Application Number: 230191
Entity Number: 2210986
Contact: Avrohom Winner
Title: Program Director
Phone: (718) 896-7633

Phillip and Rebecca Esformes Lubavitch Library
2809 W Harvis, Chicago, IL 60645
471 Application Number: 230139
Entity Number: 220961
Contact: Avrohom Wolowick
Title: Program Director
Phone: (773) 463-0663

Rebbetzin C. M. S. Resource Center
420 Murray Hill Road, Vestal, NY 13850
471 Application Number: 230192
Entity Number: 220966
Contact: Aron Slonim
Title: Program Director
Phone: (607) 797-0015

Rebbes Library
3301 Mentone Avenue, Los Angeles, CA 90034
471 Application Number: 230105
Entity Number: 221282
Contact: Aron Begun
Title: Program Director
Phone: (310) 837-8083

Seymour J Abrams Cheder Lubavitch
5201 W Howard, Skokie, IL 60077
471 Application Number: 230140
Entity Number: 220960
Contact: Avrohom Wolowilk
Title: Program Director
Phone: (847) 675-6777

Rev. Henry Julius Memorial Library
3500 North Ocean Boulevard, Fort Lauderdale, FL
33308
471 Application Number: 229840
Entity Number: 220908
Contact: Mendy Wilhelm
Title: Program Director
Phone: (954) 568-1190

Sierra Jewish Library
3600 Clover Way, Reno, NV 89509
471 Application Number: 230155
Entity Number: 220983
Contact: Sarah Cunin
Title: Program Director
Phone: (775) 825-8928

Shalom School Of San Francisco Library
750 20th Street, San Francisco, CA 94121
471 Application Number: 230106
Entity Number: 221035
Contact: Hinda Langer
Title: Program Director
Phone: (415) 831-8399

Sifriyat Nechoma
7 Camelot Place, Manchester, NH 03104
471 Application Number: 230156
Entity Number: 220884
Contact: Shternie Krinsky
Title: Program Director
Phone: (603) 647-0204

Sifriat Menachem Mendel
3200 Middlebed Road, Farmington Hills, MI 48334
471 Application Number: 229804
Entity Number: 221395
Contact: Sorah Field
Title: Program Director
Phone: (248) 855-2910

Syifryat Menachem The Menachem
6710 Leveland Road, Dallas, TX 75252
471 Application Number: 230160
Entity Number: 221300
Contact: Asher Goldschmidt
Title: Program Director
Phone: (972) 381-0771

Simcha Resource Center Of Albany
122 S Main Avenue, Albany, NY 12208
471 Application Number: 230194
Entity Number: 220941
Contact: Israel Rubin
Title: Program Director
Phone: (518) 482-5781

The C. M. Library
360 Valley Street, San Francisco, CA 94131
471 Application Number: 229824
Entity Number: 220970
Contact: Gedalia Potash
Title: Program Director
Phone: (415) 821-7046

The Arno Goetz Library
7008 Forest Lane, Dallas, TX 75230
471 Application Number: 230058
Entity Number: 221096
Contact: Mendy Vogel
Title: Program Director
Phone: (214) 361-8600

The Chabad Library Of Jewish Literacy
8124 Laurelmon Drive, Los Angeles, CA 90046
471 Application Number: 229825
Entity Number: 220787
Contact: Sholom Ber Rodal
Title: Program Director
Phone: (323) 650-1444

The Chabad Judaic Library Of Atlantic City
3923 Atlantic Avenue, Atlantic City, NJ 08401
471 Application Number: 229857
Entity Number: 221375
Contact: Shmuel Rappaport
Title: Program Director
Phone: (609) 344-5398

The Jewish Learning Center Library
5040 Telegraph Road, Ventura, CA 93003
471 Application Number: 230045
Entity Number: 220940
Contact: Yakov Latowicz
Title: Program Director
Phone: (805) 658-7441

The Irving And Maimie Albert Childrens Judaic Library
At Shaloh House
50 Ethyl Way, Stoughton, MA 02072
471 Application Number: 229849
Entity Number: 221391
Contact: Mendel Gurkov
Title: Program Director
Phone: (781) 344-6334

The Jewish Library Of Alaska
1210 E 26th Avenue, Anchorage, AK 99508
471 Application Number: 230107
Entity Number: 221093
Contact: Yossi Greenberg
Title: Program Director
Phone: (907) 279-1200

The Jewish Library And Research Center
44 Burrill Street, Swampscott, MA 01907
471 Application Number: 230145
Entity Number: 221379
Contact: Yossi Lipsker
Title: Program Director
Phone: (781) 581-3833

The Leanord And Sophia Raigo Chabad Library
100 Overlook Drive, Woodcliff Lake, NJ 07677
471 Application Number: 229858
Entity Number: 221393
Contact: Dov Drizin
Title: Program Director
Phone: (201) 476-0157

The Judaic Resource Center Of Long Island
501 Vanderbilt Parkway, Dix Hills, NY 11746
471 Application Number: 230197
Entity Number: 220911
Contact: Yaakov Saacks
Title: Program Director
Phone: (631) 351-8672

The Shaboss House Resource Center
316 Fuller Road, Albany, NY 12203
471 Application Number: 230198
Entity Number: 220967
Contact: Mendel Rubin
Title: Program Director
Phone: (518) 438-4227

The Paul Lenger Memorial Library
513 Kenwood Place, Teaneck, NJ 07666
471 Application Number: 229859
Entity Number: 220937
Contact: Mordechai Weiss
Title: Program Director
Phone: (201) 907-0686

The West 92nd Street Chabad Resource Center
101 W 92nd Street, New York, NY 10025
471 Application Number: 230199
Entity Number: 220696
Contact: Shlomo Kugel
Title: Program Director
Phone: (212) 864-5010

The Shul Library
6211 Quaker Hill Drive, West Bloomfield, MI 48322
471 Application Number: 229850
Entity Number: 221315
Contact: Kasriel Shemtov
Title: Program Director
Phone: (248) 788-7131

Zichron Benzion Library
23123 Lyons Avenue #19, Newhall, CA 91321
471 Application Number: 229826
Entity Number: 220969
Contact: Choni Marozov
Title: Program Director
Phone: (661) 254-3434

The Yoseph Yitzchak Library
6145 W Ivanhoe Street, Chandler, AZ 85226
471 Application Number: 230042
Entity Number: 221041
Contact: Mendy Deitsch
Title: Program Director
Phone: (480) 753-5366

This letter is an appeal by the entities listed above (The Applicants) of an SLD funding commitment decision that determined that those libraries are not entities eligible to receive funding under program rules. The Applicants maintain that they are indeed eligible and that they meet the eligibility requirements set forth in 47 U.S.C 254(h)(4). This appeal has also been filed with the SLD. The applicants file this appeal with the Commission in the event¹ that the SLD determines that this appeal entails matters of interpretation of unclear provisions of statutes and rules, matters that the SLD is not authorized to rule on pursuant to 47 CFR 54.702(c).

FACTS

The parties to this appeal are libraries that are associated though the Chabad organization, a society dedicated to a certain school of philosophical thought. Each of these libraries are independent entities and are independently funded. The libraries have large and extensive collections of philosophical, theological and legal works of a Judaic nature that are not otherwise available to the public. The collections are of a scholarly nature and the libraries are indeed utilized by a broad array of researchers, as well as the general public².

The Applicants, as independent entities, filed the FCC Form 471 requesting funding for certain items through the e-rate program. Many libraries did not receive any correspondence from the SLD. Certain libraries were contacted by the SLD. The SLD notified those libraries that they must establish that they were eligible for Library Services and Technology Act funding at the time that the application was filed. The SLD instructed those libraries to contact their State Library and to receive verification of LSTA eligibility. The apparent and reasonable interpretation of these instructions was

¹ The applicants recognize that if the SLD accepts this appeal the Commission will dismiss this appeal without prejudice pursuant to the Commission's policy

² For more information describing the nature of these libraries see www.chabadlibrary.org

that the State Library was to certify that the library met the criteria to receive LSTA funding under that state's LSTA grant program.

The Applicants contacted their State Library LSTA administrator and were advised by the administrator of the criteria that that state established for libraries in order to receive funding under the LSTA program administered by that state. Every state established certain criteria as a condition for participation in that state's LSTA program. Under those criteria certain states require that libraries must be headed and administered by a librarian who has completed a masters level library education program accredited by the American Library Association. In addition only libraries that receive at least 50% of their operating funds from public government resources are eligible for grants from the state's LSTA fund. Conditions imposed by other states require that the library be part of a regional library system. Some states fund only public libraries. Since the libraries did not meet the conditions imposed by the states, the State Libraries were not in a position to verify the libraries' LSTA eligibility³.

The respective libraries then sent individual letters to the SLD explaining their position that they meet the eligibility criteria for libraries under 47 U.S.C. 254(h)(4) since they qualify as a research library as defined in 20 U.S.C. 9122 (2)(d)(i,ii), the definition of a library for purposes of eligibility for universal services. The libraries offered to provide alternative documentation of its eligibility under the LSTA Act, and therefore its eligibility to receive universal services funding.

The SLD did not respond to any of these letters. Subsequently the SLD issued funding commitments decisions to deny all libraries' applications. The funding commitment decision explanation provided was that the library "is not eligible to receive funding based on the program rules for eligible entities". Examples of this correspondence are presented as Exhibit A⁴.

³ Similar libraries met the criteria established by Connecticut and Alaska and were approved in those states. Libraries in all other states were denied.

⁴ The letter by Ms. Alice Carmody was the standard letter that all of the applicants received. The letter to the Yorba Linda library was sent only to that library. That letter is included in Exhibit A because it clearly shows the SLD interpretation of 254(h)(4).

QUESTIONS PRESENTED

47 U.S.C. 254 (h)(4) states as follows; Eligibility of users: No entity listed in this subsection shall be entitled to preferential rates or treatment as required by this subsection, if such entity operates as a for-profit business, is a school described in paragraph (5)(A) with an endowment of more than \$50,000,000, or is a library or library consortium not eligible for assistance from a State library administrative agency under the Library Services and Technology Act (20 U.S.C. 9121 et seq.).

I) Does the above subsection require a library to meet the criteria established by a state, as a condition to receive grants from that state's LSTA funds, in addition to meeting the eligibility criteria for LSTA funding under section 20?

II) 20 U.S.C. 9141 grants states the right to determine the best use of funds provided under the LSTA Act. If a state determines that funding a particular type of library is not the best use of its limited funds does that deem that library not "eligible for assistance from a State library administrative agency"?

III) Did the SLD exceed the authority vested in it by Congress or the FCC in determining that the Applicants are not entities eligible to receive funding under program rules?

DISCUSSION

20 U.S.C. 9122 (2)(d)(i,ii), the LSTA Act cited in 47 U.S.C. 254(h)(4) as the definition of a library, States; The term "library" includes - (D) a research library, which for the purposes of this subchapter means a library that - (i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and (ii) is not an integral part of an institution of higher education. The

Applicants, based on the material their libraries make available, and the fact that they satisfy the conditions of a research library, meet the statutory definition of a library under the LSTA Act.

I) The SLD decision, which determined that the Applicants are ineligible entities, assumes that the intent of (h)(4) is that a library must qualify for the actual allocation of an LSTA grant in its state, regardless of what criteria that state established for participants in its LSTA programs⁵. However it is apparent and evident from the FCC Universal Services Report and Order that the reference to the LSTA Act was for the purpose of defining libraries eligible for support. The intention of (h)(4) is that for purposes of universal services eligibility a library shall be defined according to the definitions of a library as set forth in section 20 regarding eligibility for LSTA. Therefore any library that meets the conditions set forth in the LSTA act is eligible for Universal Services funding.

In the Report and Order ⁶the Commission decides to “ adopt the definition of library contained in the Library Services and Technology Act for purposes of section 254(h)”. In section 10 of the Report ⁷the Commission addresses the issue of library eligibility with the following language “Section 254(h)(5) does not include an explicit definition of libraries eligible for support rather, in section 254(h)(4)'s eligibility criteria, Congress cited LSCA” (amended in 1996 to LSTA, see *infra*), “We, therefore, adopt the LSTA definition of library for purposes of section 254(h)⁸. (See also footnote 1436 which references the LSTA Act as a definition of “a library”).

The above demonstrates clearly and persuasively that (h)(4) is to be construed as requiring eligible libraries to satisfy the definition of libraries set forth in the LSTA Act. By citing that Act it was not the intent of congress to limit eligibility only to those libraries that qualify for an actual grant under an LSTA funded program administered in that library's state.

254(h)(4) initially cited LSCA which limited eligible libraries to public libraries and a limited group of research libraries. In 1996 when LSCA was repealed and replaced

⁵ See letter to Yorba Linda library in Exhibit A

⁶ at 32

⁷ at 556

⁸ at 558

with the LSTA Act⁹, an act that greatly broadens the definition of a library, (h)(4) was amended to reference the LSTA Act. The explicit purpose of amending (h)(4) was to grant more libraries access to universal services, and to broaden the definition of libraries.

If (h)(4) is to be construed as to require libraries to qualify for funding under state administered LSTA program guidelines, the effect of that amendment would actually limit the scope of eligible libraries and the resulting definition of libraries for purposes of universal services would actually be narrower than what it would be under the LSCA definition.

Thousands of public libraries, eligible under LSCA, do not have librarians who have completed a masters level library education program accredited by the American Library Association¹⁰, or do not meet other conditions imposed by certain states, and would therefore not qualify to participate in an LSTA funded program in those states.

In addition LSCA supported funding for certain academic libraries that were not supported through public funds. Under LSTA there are ten state library agencies¹¹ that do not administer an LSTA funded program that provides assistance to academic libraries. Of the agencies that do provide grants to academic libraries, many limit that funding to those that are publicly funded.

Construing (h)(4) as to require libraries to qualify for participation in an actual state administered LSTA program would defeat the legislative intent in amending (h)(4), which was to broaden the scope of eligible libraries. Such construction would also result in a policy that excessively discriminates against libraries depending on the library's state.

It is therefore apparent that in amending (h)(4), congress intended that for purposes of universal services libraries are required to meet only the statutory definition of libraries as set forth in the LSTA Act. Libraries are not required to qualify for participation in an actual LSTA funded program.

⁹ Pub. L. 104-208, div. A, title I, Sec. 101(e) (title VII, Sec. 708 (a)), Sept. 30, 1996, 110 Stat. 3009-233, 3009-312

¹⁰ The National Center for Educational Statistics database shows that in 1999 there were 4961 public libraries that did not have ALA-MLS librarians

¹¹ Source, NCES. Those states are; Alabama, Hawaii, Louisiana, Maine, Maryland, Minnesota, Tennessee, Texas, Vermont and the District of Columbia

II) 20 U.S.C. 9141(a) sets forth a wide set of purposes for which states may apportion funding received under the LSTA Act. Specifically, paragraph (b) of that subsection allows states to apportion its share of funding “as appropriate, to meet the needs of the individual State”.

20 U.S.C.9163 states; “Nothing in this subchapter shall be construed to interfere with state and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and insofar as consistent with the purposes of this subchapter, the determination of the best uses of the funds provided under this subchapter, shall be reserved for the States and their local subdivisions”.

The only restriction placed on states in utilizing LSTA funds is that its expenditures be “consistent with the purposes of this subchapter”. A state is not required to allocate funds to every entity that is eligible to receive funding under the Act. As a result of this allocation mechanism a library may be “eligible for assistance from a State library administrative agency”, as defined in the eligibility criteria established in section 9122, and still not qualify for any of the programs that were established in that state because the state has the discretion to determine “the needs of that individual state”.

Section 9151 requires states that wish to establish an advisory council, that the council be “representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities”. Clearly the legislative intent was that although an entity may not receive funding, that entity is nonetheless eligible to receive funding and therefore has the right to participate in decisions made regarding that funding.

Section 9122 (2)(E)¹² clearly limits state authority to determine “that a library should be considered a library for purposes of this subchapter” to private or special libraries not included in (2)(A, B, C or D) of that subsection. It is evident that state authority to determine whether a library is considered a library for purposes of LSTA is restricted to the category of libraries described in (2)(E). Other libraries, eligible under

¹²Section 9122 (2)(E) states; a private library or other special library, but only if the State in which such private or special library is located determines that the library should be considered a library for purposes of this subchapter.

9122, are designated as libraries for purposes of the Act regardless of state recognition of that library for purposes of LSTA.

In light of the above it is plain and obvious that a library that does not qualify for funding, allocated by a state under a state's discretion to determine "the needs of that individual state", is nevertheless eligible, as a matter of law, to receive LSTA funding. An interpretation of (h)(4) as to require a library to qualify for an actual state administered program is clearly erroneous.

III) The SLD decision entails findings and rulings in regard to both questions of law and matters of fact. The SLD ruling on both of these matters was not in compliance with the rules and procedures established by the FCC.

A) Matters of Law. The SLD ruling that the Applicants are ineligible to receive funding under program rules is based on an interpretation of Section 254 (h)(4). The SLD is not authorized to interpret this statute. 47 CFR 54.702(c) limits the authority of the SLD as follows; The Administrator may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress. Where the Act or the Commission's rules are unclear, or do not address a particular situation, the Administrator shall seek guidance from the Commission.

The SLD decision, which determined an entity's eligibility under program rules, is based on the interpretation of unclear provisions of a statute, an interpretation it was not authorized to make. Accordingly the Funding Commitment Decision based on that interpretation must be vacated.

B) Matters of Fact. The SLD decision may be based on certain factual findings and assumptions pertaining to the nature of the Applicants' libraries¹³. The process in which the SLD arrived at these factual findings was not in compliance with FCC rulings.

The SLD request for information may be interpreted in a manner different than the plain and reasonable understanding of the request¹⁴, which was the way it was

¹³ The Applicants acknowledge the need to verify an entity's eligibility, however to do so in a manner that discriminates against and disqualifies eligible applicants is not a reasonable application of the Commission's rules under the schools and libraries support mechanism. *see United Talmudical Order* 15 FCC Rcd 430-431, para. 15.

¹⁴ The letter to the Yorba Linda library in Exhibit A clearly shows that the applicants correctly interpreted the instructions of the SLD

interpreted by both the Applicants and a State Library administrator¹⁵. The Applicants notified the SLD in writing¹⁶ that the State Library could certify only whether libraries were qualified to actually participate in a state based LSTA funded program, and that that was the only certification a state library can provide. If the SLD was not requesting that information, it did not adequately communicate the nature of the information being requested, or of advising the Applicants how they could provide that information.

The FCC, in *Request for Review by St. Stanislaus Grade School*¹⁷, rules that the SLD must adequately communicate the nature of the requested information to the applicant, which it did not do in the instant case. Additionally the FCC in that ruling ordered the SLD to specify to the applicant on appeal what exact documentation the applicant failed to provide, and to issue a revised Funding Commitment Decision Letter advising the applicant what article of documentation the applicant may provide in order to point out the incorrect assumption by the SLD.

According to SLD procedure¹⁸, the SLD must consider new information on appeal if “there is evidence on file that the applicant was not given the opportunity to provide us with documentation during the review process”. Since the record clearly demonstrates that if the Applicants failed to provide documentation which may have been requested by the SLD it was because the SLD had not properly communicated the nature of that request, the SLD finding must be vacated and the Applicants must be given the opportunity to provide documentation as to the nature of its library classification and as to its eligibility under (h)(4) and its qualification according to 20 USC 9122(2)(d).

CONCLUSION-RELIEF REQUESTED

The SLD erred in its interpretation of 254(h)(4) in requiring the Applicants to meet state imposed LSTA eligibility criteria. The SLD further erred in its classifying an entity that does not qualify for a state program, because of the states discretion not to allocate funding to an eligible entity, as “not eligible for assistance from a State library

¹⁵ see Exhibit A, letter by Catherine Harris

¹⁶ see Exhibit A, letter to the SLD

¹⁷ Order No. DA 01-285, File No. SLD-142493

¹⁸ SLD website

administrative agency under the Library Services and Technology Act”. The SLD also exceeded its authority in interpreting unclear provisions of statutes or rules. In the alternative, the SLD did not adequately communicate the nature of its request and thus did not give the Applicants an opportunity to provide information during the review process.

Because of the above stated reasons the Applicants request that the Commission grant the following relief;

- 1.) Find that the Applicants were eligible to receive funding¹⁹ for Year 4, and that such funding shall be granted.
- 2.) Find that the Applicants are entities that are eligible to receive funding in Year 5 and in future years.
- 3.) Find that the SLD was not authorized to determine an entity’s eligibility based on the interpretation of an unclear statute²⁰.
- 4.) In the event that it shall be determined that further information is required in order to determine the nature of any of the Applicants’ status, that that Applicant shall be afforded the opportunity to provide such information, and that the SLD should advise the Applicant as to how such information may be provided²¹.

¹⁹ pursuant to 47 USC 254(h)(4) and 20USC 9122(2)(d)

²⁰ pursuant to 47CFR 54.702(c)

²¹ pursuant to Request for Review by St. Stanislaus Grade School, Order No. DA 01-285, File No. SLD-142493, and SLD stated policy as posted on the SLD website

EXHIBIT A

Sep-06-2001 05:14am From-

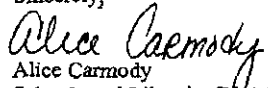
T-808 P.001/001 F-726

Dear Rabbi Mendelshon,

September 5, 2001

Hello. My name is Alice Carmody and I am with the Schools and Libraries Division. I am contacting you in regards to your e-rate application 230049, the Jewish Learning Center. We need to establish if the Jewish Library Center was eligible for Library Services and Technology Act funding at the time the application was filed. Please contact Amy Johnson, who is with the Florida State Library, for LSTA verification. Please have Amy Johnson provide you with a signed written response, which should be faxed to us. This information is crucial and is needed as soon as possible. Thank you for your cooperation.

Sincerely,


Alice Carmody
Schools and Libraries Division
Fax (973) 884-8395

Contact Information
Amy Johnson
State Library of Florida
Phone (850) 245-6622
Fax (850) 488-2746



CALIFORNIA
STATE LIBRARY
FOUNDED 1850

October 26, 2001

Librarian
North County Jewish Community Library
19045 Yorba Linda Blvd.
Yorba Linda, CA 92886

Dear Librarian:

The undersigned has been notified by the Universal Service Administrative Company, Schools and Libraries Division (SLD), that your library has applied for E-Rate program funding. The SLD has sought assistance from the California State Library in their processing of your application. They must confirm your library's eligibility for that funding. To do that they seek the advice of the State Library on your library's eligibility for federal Library Services and Technology Act (LSTA) funding. Based on the information furnished through the State Library the SLD in turn will determine if your library qualifies for E-Rate funds.

As you are doubtless aware, the E-rate program requires that library applicants for those funds must be eligible for LSTA grants in their home state. Eligibility is generally specified in the LSTA law but beyond that each state has authority to determine eligibility of libraries within its jurisdiction as interpreted by the State Librarian. In California that interpretation is done by the California State Librarian. Your request cannot be processed by the SLD until it receives information from the California State Library regarding the extent to which your library meets the conditions of eligibility for LSTA.

Libraries of all types generally are covered by LSTA; however, please note that in California LSTA is not authorized for use for personal libraries, private professional libraries, libraries lacking qualified staff, libraries not open to the public, libraries which charge for use, etc. These provisions are covered in the Criteria for Eligibility for LSTA.

Since the State Library is unfamiliar with your organization, we are seeking information from you regarding the nature of your library that we will use to determine eligibility. Please consult the Criteria for Eligibility to Receive Grant Funding (copy enclosed) to ascertain if your library is eligible. You should propose your interpretation to me. Please reply to me with a brief summary in writing of your own evaluation of your library's eligibility as compared to the Criteria. It would be helpful to us in making our determination if you would tell us about your institution and your library by means of brochures, annual reports, collection descriptions, service policies, staff list, or other descriptive material. Please enclose these materials with your reply.

Library Development Services Bureau

900 N Street, Suite 500
P.O. Box 942837
Sacramento, CA 94237-0001

(916) 653-5217 phone
(916) 653-8443 fax
www.library.ca.gov

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Division of Library and Information Services

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R.A. Gray Building
Tallahassee, FL 32399-0050
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Fax # (850) 488-2740

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☐ Please Reply

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COMMENTS: Thanks!

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Department of Transportation
Department of Banking and Finance
Department of State Affairs

December 12, 2001

Rabbi Aron Lieberman
Synagogue of Inverrary Chabad
6700 N.W. 44th Street
Lauderhill, FL 33319

Dear Rabbi Lieberman,

Thank you for your recent inquiry regarding eligibility for the Library Services and Technology Act (LSTA) Grant program in Florida. The following three criteria are used to determine organizations' eligibility:

1. The library's services program must be headed and administered by a librarian who has completed a masters level library education program accredited by the American Library Association.

This criterion will be demonstrated by filling out the enclosed Certification of Credentials form, supplying a copy of a diploma, or supplying a copy of a transcript showing course hours earned and program completion.

2. The library must agree to make their resources available to the public either on site or by participation in the Florida Library Information Network (FLIN). Circulation of the library's collection to the public is not a requirement of making collections available to the public; however, the public must be allowed to enter the library to use its resources. Participation in FLIN means that the library must have a letter of agreement on file with the Division of Library and Information Services to make the library's resources available via interlibrary loan to other libraries.

This criterion will be demonstrated by responding in writing to establish which way the library is in compliance.

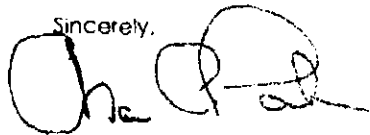
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3. The following entities are eligible to apply for LSTA funds. Please indicate your organization's library type.

- ☐ *Public libraries* -- Public libraries are all libraries eligible to receive State Aid to Libraries grants, and city, county or nonprofit association-funded libraries that provide free library services to their legal service users. This category also includes state-supported institution and Native American tribal libraries.
- ☐ *Public elementary, secondary, or charter school libraries.*
- ☐ *Academic libraries* -- Academic libraries include public (11 state universities and 28 community colleges) and private post-secondary education libraries.
- ☐ *Library consortium* -- Eligible library consortia in Florida are the six multitype library cooperatives.
- ☐ *Special libraries* -- Special libraries include information resource centers located at publicly supported government agencies, museums, hospitals, associations and other organizations with specialized information needs. At least 50% of the agency's operating funds must come from public governmental sources.

If you have questions, please do not hesitate to contact me for further information or clarification. I can be reached at 850-245-6637, fax 850-458-2746 or e-mail, cparker@mail.dos.state.fl.us.

Sincerely,



Charlie Parker
Library Program Specialist

/cep

Enclosure

Florida Department of State, Division of Library and Information Services

CERTIFICATION OF CREDENTIALS

(Complete this form only if your library entity does not receive State Aid or Multiple Library District Initiative Grant funding.)

The _____
(name of library governing body)governing body for the _____
(name of library)hereby certifies that the incumbent library administrative head, _____
(name of incumbent)has completed a library school program accredited by the American Library Association and is thereby eligible to apply
for and administer a Library Services and Technology Act (LSTA) grant.**Signature**_____
Chair, Library Governing Body_____
Date

Type name and title below:

Name_____
Title

To: Alice Carmody

From: Mr. Sholom B. Korf
Chabad Library of Delray

Entity # 221092

Re: LSTA Eligibility

Date: Sep. 22, 2001

Dear Alice,

This letter is in response to your fax Dated September 5,2001 regarding e-rate application # 229832. In your fax you requested that we provide documentation from the State Library of Florida that our library is eligible for LSTA funding. The library system of which our library is a member has written to the SLD regarding this issue. Our position is that 47 USC 254(h), the section that requires libraries to be eligible for LSTA funding as a condition of eligibility for Universal Services, requires only that the library meet the criteria specified in 20 USC 9121(2). Our library meets all the conditions in that section. The state of Florida has set additional criteria which our library may not meet. It is our position that 47 USC 254(h) does not require a library to meet state-set criteria, only to meet the conditions set forth in 20 USC, which our library can demonstrate that it meets. The state of Florida will not give us documentation of eligibility under 20USC if we do not meet the additional conditions imposed by the state. We therefore cannot at this time provide the documentation that you are requesting. If necessary we will provide alternative documentation of our libraries eligibility under 47 USC 254(h).

We have written to the SLD on July 11, 2001 regarding this matter and have still not received a response. Please forward this letter to the appropriate department and have them contact us.

Truly Yours,

Shmuel Mehndolson